

ATTACHMENT C

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OF COUNSEL
MARGARET A. TWEDT*
HON. MICHAEL E. FONDI*

* ALSO ADMITTED IN CALIFORNIA

July 12, 2010

Via Messenger

Hon. Jim Gibbons
Hon. Catherine Cortez Masto
Hon. Ross Miller
Board of Prison Commissioners
P.O. Box 7011
Carson City, NV 89702

Dear Commissioners:

This letter is submitted on behalf of our client, the Nevada Corrections Association, to express the Association's concerns over the proposed closure of the Nevada State Prison in Carson City (NSP) by Governor Gibbons and the Director of the Nevada Department of Corrections (NDOC), Howard Skolnik. Based on our review of the legislative history concerning past proposals for the closure of NSP, as well as our analysis of Nevada's constitutional and statutory provisions governing the administration of the State's correctional system, it is clear that:

1. The Legislature's appropriation of money for the continued operation of NSP through fiscal year 2010-2011 precludes the closure of that facility at least during the current biennium. *This is so even if the Board were to conclude on some basis that the Governor and NDOC have made out a case for immediate closure.*

2. Although the incumbent Governor has established a clear record of unilateral and precipitous action, any attempt by him or NDOC to close NSP without the approval of the Board is unlawful in any event because the Governor and NDOC do not have the authority to act independently of the Board.

The Legislative Record

As you are aware, the Legislature has already voted against the proposal to close NSP, during both the 75th Legislative Session (2009) and the 26th Special Session (2010). Instead, the Legislature appropriated approximately \$17.6 million for fiscal year 2010-2011 *for the continued operation and maintenance of NSP*, a plain reflection of the Legislature's conclusion that any immediate closure was unwise and that the jobs of the NDOC employees who work at NSP should be protected. See section 23 of Assembly Bill No. 562 (2009), a copy of the relevant portion of which is appended as Attachment A.

The minutes of legislative committee meetings held during the 2009 Session reveal that legislators expressed considerable skepticism about Director Skolnik's claim that the closure of NSP would result in significant savings, particularly because the Governor and NDOC were unable or unwilling – even in the face of repeated legislative requests – to provide any meaningful fiscal analysis to support their projections of asserted savings.

For example, legislative committee minutes from April 28, 2009, indicate that the operational costs for the continuation of the Prison Industry programs at NSP, including costs for utilities, inmate transportation and the supervision of inmates, had not been calculated and submitted to the Legislature. *See* Attachment B. Nor, apparently, had the Governor or NDOC conducted any analysis of the long-term costs for the relocation of the Prison Industry programs, or of the general costs associated with the phased closure of NSP. *Id.*; *see also* p. 37 of the Senate Daily Journal, February 23, 2010, a copy of which is appended as Attachment C. There was simply no reliable estimate of how much it would cost the State if NSP were closed. Indeed, there has apparently been no attempt to calculate the costs necessary for the ongoing maintenance of certain facilities at NSP that will not be closed even under the current proposal, the economic loss of NSP's Prison Industry program and the costs for transfer of inmates to other NDOC facilities. In total, these costs may actually exceed those for the continued operation of NSP.

Based on the information obtained by our office, it also appears that even the asserted justifications for closing NSP are suspect. According to Director Skolnik's testimony in February 2009 before the legislative money committees, the recommendation to close NSP was the result of budget cuts, and the recommendation was reflected in the Governor's proposed budget. Thereafter, however, the proffered justifications for closure have shifted to asserted safety concerns for employees at NSP based on assertions that the facility is antiquated. Again, no evidentiary support for these assertions has been identified.

In short, NDOC and the Governor have not substantiated any fiscal or safety reasons for the closure of NSP. To the contrary, the only indisputable effect of the closure would be the displacement of 136 employees, not all of whom would be guaranteed a new position. These employees, even in the unlikely event that all of them are offered re-employment in other NDOC facilities in Northern Nevada, such as those in Ely or Lovelock, would be forced to choose between the sale of their homes and forced relocation or a long commute, both of which are unrealistic options in this economy. And if such a large number of residents were to suddenly move from the Carson City area permanently, the negative economic effect on local businesses here would be devastating. *See* statement of Ron Weisinger, Director of the Northern Nevada Development Authority, as reported in the *Nevada Appeal*, appended as Attachment D.

Most importantly, however, even if the arguments for closing NSP could be substantiated, neither the Governor nor the Board, as an agency of the executive branch, may lawfully close NSP in the face of a legislative directive that it remain open. Contrary to the Governor's apparent belief, executive authority "is limited to that given by constitutional and statutory provision. The Office of

Governor is not recognized in common law, and thus the governor has no prerogative powers, but possesses only such powers and duties as are vested in him by constitutional grant or by statutory grant." AGO 2000-35 (Dec. 13, 2000); internal quotation omitted. The Nevada Supreme Court has ruled that when the Legislature appropriates money for a specific purpose, neither the Governor nor executive branch agencies may disregard the Legislature's mandate that the money be spent. *Nevada Employees Ass'n v. Daines*, 108 Nev. 15, 20-21 (Nev. 1992) (recognizing that "the power of controlling the public purse lies within legislative, not executive authority"). This principle has apparently been recognized by NDOC in the past, as demonstrated by the fact that NDOC appeared before the Interim Finance Committee in 2008 to seek approval for the closure of the Southern Nevada Correctional Center. See Items E-140 and E-141 of the Interim Finance Committee's April 9, 2008 Meeting and Notice and Agenda, appended as Attachment E.

Thus, even if all the policy considerations against the closure of NSP were wholly disregarded, the Court's ruling in *Daines* nonetheless clearly prohibits the closure of NSP, at least during the current biennium, because any such action would violate the executive branch's constitutional duty to ensure that laws enacted by the Legislature are faithfully executed.

Unilateral Action by the Governor and NDOC is Prohibited in Any Event

Even if the proposed closure of NSP were not otherwise prohibited by the Legislature's previous action, the decision on closure plainly rests with this Board, not the Governor and NDOC. The Board was created by Article 5, section 21 of the Nevada Constitution, which expressly provides that the "Board shall have such supervision of all matters connected with the State Prison as may be provided by law . . ." As a matter of law, the Board "has full control of all grounds, buildings, labor and property" of NDOC. NRS 209.111. The Director of NDOC is required, among other things, to administer NDOC, but does so subject to the direction of the Board. NRS 209.131.

Accordingly, the plain language of the Nevada Constitution and the applicable provisions of Nevada statutes would have authorized the Board *and only the Board* to order the closure of NSP had the Legislature not precluded such action by specifically appropriating money for the continued operation of that facility. See *We the People Nev. v. Miller*, 124 Nev. ___, 192 P.3d 1166, 1170 (Adv. Opn. No. 75, Sep. 25, 2008) (rules of statutory construction also apply to the interpretation of constitutional provisions); *Public Employees' Benefits Prog. v. LVMPD*, 124 Nev. ___, 179 P.3d 542, 548 (Adv. Opn. No. 14, Mar. 20, 2008) (courts must give effect to a statute's plain meaning and cannot inquire beyond the plain language to determine the Legislature's intent when the statute is facially clear).

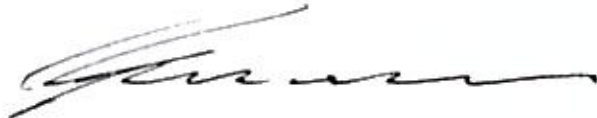
Having recently suffered an unprecedented defeat in his bid for reelection, it is not surprising that the Governor would seek in the closing months of his term to "accomplish" something to offset his record of uncompromising arrogance, disengagement and ineffectiveness. Apparently the Governor sees the closure of NSP as part of his legacy. But just as Nevada's voters have rejected the Governor's dictatorial approach to governance, so must the Board reject a proposal that is ill-considered, ill-advised and unsupported.

On behalf of the Nevada Corrections Association, we ask the Board to recognize the constitutional and statutory limitations on the authority of the executive branch to order the closure of NSP. Given that the Legislature has already decided to maintain NSP in operation at least through the end of this biennium, the additional fact that the Governor and NDOC have failed to provide any substantiated reasons for the facility's closure, and the negative impact that closure would have on NDOC employees and the local economy, we ask that the Board reject the proposal to close NSP. Pending further consideration of this issue by the Legislature and the Board, the Board should affirmatively order Director Skolnik and NDOC to forbear from taking any action whatsoever to effect such a closure.

Thank you for your consideration.

Sincerely yours,

DYER, LAWRENCE, PENROSE,
FLAHERTY, DONALDSON & PRUNTY

A handwritten signature in black ink, appearing to read 'James W. Penrose', with a long, sweeping horizontal stroke at the end.

James W. Penrose
J. Daniel Yu

CHAPTER.....

AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 2009, and ending June 30, 2010, and beginning July 1, 2010, and ending June 30, 2011; providing for the use of the money so appropriated; revising the provisions governing the line of credit from the Local Government Pooled Investment Fund; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The following sums are hereby appropriated from the State General Fund for the purposes expressed in sections 2 to 31, inclusive, of this act and for the support of the government of the State of Nevada for the fiscal years beginning July 1, 2009, and ending June 30, 2010, and beginning July 1, 2010, and ending June 30, 2011.

	<u>2009-2010</u>	<u>2010-2011</u>
Sec. 2. The Office and Mansion of the Governor.		
For the support of the:		
Office of the Governor.....	\$2,090,298	\$2,103,651
Governor's Mansion	289,968	352,417
Governor's Office for Consumer Health Assistance	381,275	384,358
High Level Nuclear Waste.....	1,726,904	1,733,413
Energy Conservation.....	302,963	342,070
Governor's Office of Homeland Security	484,342	488,658
Sec. 3. The Office of Lieutenant Governor.		
For the support of the Office of the Lieutenant Governor	\$580,989	\$610,793



	<u>2009-2010</u>	<u>2010-2011</u>
Rural Regional Center	\$8,751,840	\$9,726,331
Family Preservation Program	2,260,842	2,335,268
Substance Abuse Prevention and Treatment Agency	10,578,467	10,608,678
Division of Welfare and Supportive Services:		
Welfare Administration.....	7,526,679	8,147,190
Welfare Field Services Account	23,503,303	26,125,308
Assistance to Aged and Blind.....	7,736,983	8,049,442
Temporary Assistance for Needy Families	24,565,852	24,565,852
Child Assistance and Development	8,453,594	8,461,590
Sec. 21. Office of the Military:		
For the support of the:		
Office of the Military	\$3,008,173	\$3,027,475
National Guard Benefits	55,094	55,100
Sec. 22. Office of Veterans' Services:		
For the support of the:		
Commissioner for Veterans' Affairs.....	\$1,958,055	\$1,971,715
Southern Nevada Veterans' Home.....	610,661	477,913
Sec. 23. Department of Corrections.		
For the support of the:		
Office of the Director.....	\$15,607,315	\$17,200,756
Medical Care.....	41,964,445	23,106,763
Correctional Programs	6,307,441	6,376,264
Southern Nevada Correctional Center.....	417,118	404,059
Southern Desert Correctional Center.....	21,143,657	11,217,297
Nevada State Prison	17,446,962	17,629,334



	<u>2009-2010</u>	<u>2010-2011</u>
Northern Nevada Correctional Center.....	\$23,672,573	\$23,921,258
Warm Springs Correctional Center.....	8,499,918	8,598,798
Ely State Prison.....	27,390,627	14,803,100
Lovelock Correctional Center.....	23,611,839	12,603,024
Florence McClure Women's Correctional Center.....	13,999,956	14,117,959
Stewart Conservation Camp.....	1,609,575	1,622,019
Ely Conservation Camp.....	1,321,487	1,331,639
Humboldt Conservation Camp.....	1,321,397	1,331,612
Three Lakes Valley Conservation Camp.....	2,221,016	2,251,849
Jean Conservation Camp.....	1,548,083	1,555,981
Pioche Conservation Camp.....	1,600,557	1,610,134
Carlin Conservation Camp.....	1,217,856	1,230,771
Wells Conservation Camp.....	1,234,907	1,245,390
Silver Springs Conservation Camp.....	40,991	41,026
Tonopah Conservation Camp.....	1,171,720	1,179,383
Northern Nevada Restitution Center.....	676,952	628,374
High Desert State Prison.....	40,132,457	21,284,815
Casa Grande Transitional Housing.....	3,492,648	3,572,081

Sec. 24. Department of Business and Industry.

For the support of the:

Business and Industry Administration.....	\$27,287	\$28,582
Division of Financial Institutions.....	100	100
Consumer Affairs.....	412,959	199,251
Real Estate Administration.....	1,074,974	1,070,188
Insurance Regulation.....	100	100
Office of Labor Commissioner.....	1,474,594	1,491,340



Joint Subcommittee on Public Safety/Natural Resources/Transportation
Senate Committee on Finance
Assembly Committee on Ways and Means
April 28, 2009
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SENATE: THE MOTION CARRIED UNANIMOUSLY.

CHAIR WOODHOUSE:

We will now move to the Department of Corrections budgets.

TRACY RAXTER (Principal Deputy Fiscal Analyst, Fiscal Analysis Division,
Legislative Counsel Bureau):

On page 3 of Exhibit C are the Department-wide closing issues. The first issue is the revised inmate population projections. The Governor recommended an increase in inmate-driven costs based on the November 2008 projections which resulted in an additional cost of \$2.8 million in FY 2009-2010 and \$4.4 million in FY 2010-2011. Based on the March 2009 projections, the average inmate population level for FY 2009-2010 has been revised downward to 12,889 and for 2010-2011 to 13,009. As a result of this revision, and subject to the specific housing plan that will be approved by the Subcommittee, the funding necessary for inmate-driven expenditures would be approximately \$1.9 million less in FY 2009-2010, and \$3.3 million less in FY 2010-2011. Staff would recommend approval of the revised inmate-driven amounts reflecting the March 2009 inmate population projection.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE THE REVISED INMATE-DRIVEN AMOUNTS, REFLECTING THE MARCH 2009 INMATE POPULATION PROJECTION, BASED ON FINAL APPROVAL OF THE INMATE HOUSING PLAN INCLUDED IN THE DEPARTMENT OF CORRECTIONS' BUDGET ACCOUNTS.

ASSEMBLYWOMAN LESLIE SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

SENATOR COFFIN:

At the Capital Improvement Program (CIP) Committee meetings last week, we heard the State would lose \$125 million in bonding capacity. If any of these plans are affected by the CIP shortfall, I would like to make sure we receive a warning from the Director of the Nevada Department of Corrections (NDOC) before we close on issues such as bed capacity and location.

MR. RAXTER:

That is the next item on the closing list. On page 5 of Exhibit C is a schedule presented to the Subcommittee during the Work Session. Fiscal Staff has added two columns: the 2009 CIP costs for the alternative housing plans; and the 2011 CIP costs for the alternative housing plans. Alternative Inmate Housing Plan #M2009-20 reflects the closure of the Nevada State Prison (NSP) during the current biennium. The other three plans retain the NSP during the biennium. The High Desert State Prison (HDSP) Phase V is opened during the biennium in

Alternative Inmate Housing Plan #M2009-20, although the remaining three plans defer the opening of Phase V until a future biennium. There is no operating impact from the Warm Springs Correctional Center (WSCC) expansion project in the 2009-2011 biennium regardless of what the CIP Subcommittee chooses to do with that facility. Nor is there any CIP impact from the reopening of the Southern Nevada Correctional Center (SNCC). The Three Lakes Valley Conservation Camp (TLVCC) expansion project is deferred until a future biennium in all four plans, while the Tonopah Conservation Camp will remain open in all four plans. The Subcommittee reached consensus in the March 25 Work Session to approve Alternative Inmate Housing Plan #M2009-24. It has the lowest CIP impact in both the 2009 and 2011 programs.

Staff would note that Housing Unit #5 at the NSP was closed in August 2008 and Housing Unit #8 was closed in November 2008. The NDOC advised these two housing units could reopen based on the need for inmate beds, but Housing Unit #8 would need infrastructure improvement. If the closure of the NSP is approved, the NDOC indicates the Prison Industry programs at the NSP will still need to be operated at that facility until they can be physically relocated. Currently there are three programs at the NSP: the license plate factory; a mattress factory; and a printing and book bindery shop. The mattress factory is planned to be relocated to the Lovelock Correctional Center.

The NDOC advises there would be ongoing costs for utilities and expenditures for inmate transportation and correctional officer supervision of inmates to continue to operate the Prison Industry programs at the NSP. These ongoing costs that would be incurred to operate the Prison Industry programs at the NSP are not included in the Governor's budget and have not been calculated by the NDOC. In addition, there would be long-term costs of relocating the Prison Industry programs, such as building new facilities for those programs, especially the license plate factory.

Fiscal Staff would note that the Base Budget included staffing costs for Housing Unit #8 which was closed effective November 2008. The NDOC's Alternative Plan #M2009-24 does not reflect continued operations of this housing unit; therefore, if the Subcommittee approved restoration of funding for the continued operations of the NSP, Staff would recommend not funding staffing costs of \$320,775 in FY 2009-2010 and \$337,275 in FY 2010-2011 for this housing unit. Secondly, the NDOC provided Budget Amendment No. 82 totaling \$97,435 in each year of the biennium to account for water and sewer utility costs at the NSP. These additional costs are the result of the installation of new meters due to relocation of the utility lines associated with the construction of the new Carson City freeway.

The Governor recommended funding of \$5.76 million in FY 2009-2010 and \$5.48 million in FY 2010-2011 for staffing and operating costs to open HDSP Phase V. Utility costs were overstated by a couple of months in the *Executive Budget*. If the Subcommittee wished to open this facility, those costs could be reduced. There was also an omission in the budget for certain supplies for inmate bedding and food production totaling about \$66,000.

Joint Subcommittee on Public Safety/Natural Resources/Transportation
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At the March 25 Work Session, the Subcommittee expressed support for considering the NDOC's Alternative Inmate Housing Plan #M2009-24 which reflects utilizing existing facilities within the Department before constructing and/or opening new or expanded facilities.

ASSEMBLYWOMAN MCCLAIN MOVED TO RECOMMEND TO THE FULL COMMITTEE TO APPROVE FUNDING TO IMPLEMENT ALTERNATIVE HOUSING PLAN #M2009-24, INCLUDING FUNDING TO RETAIN CONTINUED OPERATIONS AT THE NSP EXCLUDING HOUSING UNIT #8 AND TONOPAH CONSERVATION CAMP FOR THE 2009-2011 BIENNIUM, DEFERRING THE OPENING OF PHASE V AT HDSP, DELAYING OCCUPANCY OF THE EXPANDED NUMBER OF INMATE BEDS AT THE TLVCC UNTIL AFTER THE 2009-2011 BIENNIUM; AND TO APPROVE BUDGET AMENDMENT NO. 82.

SENATOR COFFIN SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

MR. RAXTER:

The next item is the potential lease of the SNCC.

PUBLIC SAFETY

CORRECTIONS

NDOC - Southern Nevada Correctional Center - Budget Page CORRECTIONS-56
(Volume III)

Budget Account 101-3715

The *Executive Budget* includes authority in decision unit E-680 in the Director's Office account for the receipt of contract revenue of \$5,475,000 each year of the biennium for leasing the SNCC, which is currently not being utilized by the NDOC. This revenue estimate assumes the facility will be leased effective July 1, 2009, and represents the net of revenue and expenses for operating the facility at \$25 a day per offender housed at the facility. This recommendation reduces the need for General Fund appropriations in the Director's Office budget by the same amount.

NDOC - Director's Office - Budget Page CORRECTIONS-1 (Volume III)

Budget Account 101-3710

E-680 New Revenues or Expenditure Offsets - Page CORRECTIONS-6

The NDOC advised the Subcommittee that due to a requirement by the Immigration and Customs Enforcement (ICE) agency for the State to expend funds for certain infrastructure improvements in advance of receiving reimbursement, the negotiations with the ICE have been placed on hold. The

NEVADA LEGISLATURE

Twenty-sixth Special Session

SENATE DAILY JOURNAL

THE FIRST DAY

CARSON CITY (Tuesday), February 23, 2010

Senate called to order at 9:09 a.m.

President Krolicki presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilsa.

Our Father, in times of confusion, when men and women doubt their beliefs and believe there doubts and are victims of ideologies that seek to divide and conquer, give to the women and men of this house a true appreciation of the great affirmations we hold in common.

Let us appreciate our agreements and have the courage and conviction to stand up for them, that we may stand united and fearless before the rest of this nation and before the world.

Direct those who govern in this Great State, that they may make it as hard as possible to do wrong and as easy as possible to do right. To that end, incline these Senators to the eternal truths You have revealed for today and for the rest of this Special Session.

AMEN

Pledge of Allegiance to the Flag.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. President requested Mrs. Claire J. Clift to serve as the temporary Secretary of the Senate and Mrs. Evelyn Mathews to serve as the temporary Sergeant at Arms.

Mr. President instructed the temporary Secretary to call the roll of the holdover Senators.

Roll called.

All holdover Senators present.

Mr. President appointed Senators Woodhouse, Schneider and Amodio as a temporary Committee on Credentials.

Mr. President announced that if there were no objections the Senate would recess subject to the call of the Chair while credentials of the

SENATOR HORSFORD

I would request that Director Skolnik be available for questions on the Department of Corrections proposed reductions for the Committee this afternoon

MR. CLINGER

I will continue with the proposed reductions. The Department of Corrections is recommending elimination of the 5 percent rural pay differential paid to correctional officers at Ely State Prison and the Lovelock Correctional Center effective April 2010 and the remote area differential of up to \$7.50 for each day. The staff who receive this must reside more than 25 miles from the facility they work at and can be compensated not more than \$7.50 for each day they report to work. This proposal would be implemented at Southern Desert Correctional Center, Three Lakes Valley Conservation Camp, Southern Nevada Correctional Center and High Desert State Prison.

SENATOR HORSFORD

On the pay differential, you have a note that says "combined with proposed 3-percent cut to non-furloughed employees this would result in an 8-percent cut in pay for Ely Correctional Officers." Does that indicate the non-furloughed employees took a 3-percent cut and were not exempted by the State Board of Examiners?

MR. CLINGER

They did not; that note is incorrect. There were essentially five different proposals that were presented to our office: reductions of 1.4 percent, 3 percent, 6 percent, 8 percent and 10 percent. That note is referring to the Nevada Department of Corrections proposal under a 3-percent reduction.

SENATOR HORSFORD

Because of the exemption to the furlough, they did not take any cut in pay?

MR. CLINGER

Correct. Most of the custody staff in the Department of Corrections have been exempt from the furlough.

I will continue with the proposed reductions. The proposed closure of the Nevada State Prison in Carson City would eliminate 152 positions. The maximum number of layoffs would be 136. We, and Director Skolnik, believe that number can be reduced by placing correctional officers in some of the other facilities in northern Nevada. The recommendation saves \$12,817,533.

SENATOR HORSFORD

I have concern over whether that number is accurate based on all of the other factors of relocating staff, inmates, medical care and everything else relating to the closure. Since we have not had answers from Director Skolnik, the actual savings from closing the prison are a question mark. Do you have any other analysis that could help justify the \$12,817,533 in savings?

MR. CLINGER

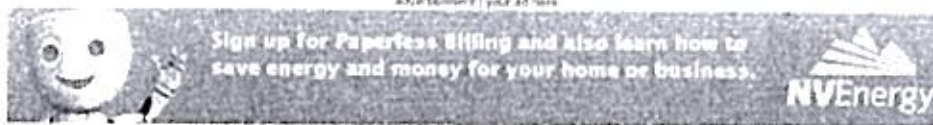
I can follow up with Director Skolnik and provide you the analysis of how we arrived at that number.

SENATOR HORSFORD

During the interim Finance Committee meeting over a week ago, there was a laundry list of questions. Assemblywoman McClain gave to Director Skolnik. We keep asking the same questions of the Director but have never received an answer. Until we get that information, it is hard for us to make a decision on the closure of the Nevada State Prison. My estimation is that the savings will not be what is being suggested.

MR. CLINGER

I will follow up with Director Skolnik.



Tuesday, July 6th 87° F | 7-day forecast

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Nevada State Prison closure could have wide spread impact

 Send us your news
 Thursday, June 19, 2008

By F. T. Norton

and David Mirhadi

Appeal Staff Writers

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ENLARGE Fritz Schlottman, spokesman for the Nevada Department of Corrections, talks about the scheduled execution of Dahl Mack from the state execution chamber Tuesday morning. Catherine Allison/Nevada Appeal

If the Nevada State Prison is closed, 200 employees of Nevada's oldest continuously operated prison will have to find other work.

That, said Gregory Smith, Nevada Department of Corrections spokesman, is the department's greatest concern.

"We're really going to look hard at finding state employment for any employee that's displaced by this. It's a priority for us."

Smith said if it were to shut down, employees who work at the prison would have "bumping rights" in Carson City based on seniority. Bumping rights, he explained, would mean they have first priority on any vacancies, whether they be in the Department of Corrections or within another division of the state government.

He said that when Southern Nevada Correctional Center closed in Las Vegas, similar in size to NSP, only two employees were unable to find other positions within the state.

"We are very concerned about our staff and their families. This prison has been a constant in Carson City since the 1800s and families after families have worked there and it's been their careers," Smith said. "It's out of our control until we find out at the end of the special session, if needed, we will target Nevada State Prison for closure," he said.

Should those workers have to move out of Carson City to find state employment, the impact would be devastating, said Ron Weisinger, executive director of the Northern Nevada Development Authority.

"When a company is here, your local community depends on those people for local taxes," he said. "When a company that's already here closes or downsizes, in a sales-tax dependent community like Carson City, it can have negative effects," he said.

Prison employees, he said, are people who often purchase cars, groceries and furniture in local dealerships and stores.

"The only way to recoup that kind of loss is to build and grow the economy in Northern Nevada," he said. "When you lose an established company, it's devastating."

Weisinger said state officials are in a difficult position now, with tight economic times.

"There isn't anybody who is going to survive this and be happy," he said.

• Contact F. T. Norton at 881-1213 or ftnorton@nevadaappeal.com and David Mirhadi at 881-1261 or dmirhadi@nevadaappeal.com.

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MEETING NOTICE AND AGENDA

Name of Organization: NEVADA LEGISLATURE'S INTERIM FINANCE COMMITTEE

Date and Time of Meeting: April 9, 2008 – 9:00 a.m.

Place of Meeting: Legislative Building, Room 4100
401 South Carson Street
Carson City, Nevada

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AGENDA

- A. ROLL CALL.
- *B. APPROVAL OF MINUTES FROM THE JANUARY 24, 2008, MEETING.
- *C. STATE PUBLIC WORKS BOARD - REPORT FROM IFC'S SUBCOMMITTEE TO REVIEW PUBLIC WORKS BOARD MATTERS (S.B. 387, 2007).
 - 1. Request to: 1) Revert \$3,431,861 of General Funds from CIP projects 07-C90a, Medical Education Learning Lab Building, University of Nevada Health Sciences System (UNHSS) (\$1,931,861); 07-C90b, Renovation of Savitt Hall for School of Medicine, UNHSS (\$1,000,000); and 07-C90c, Renovation of Cain Hall for School of Nursing Offices, UNHSS (\$500,000), in order to accommodate budget reductions, and 2) Cancel the scope of CIP projects 07-C90b and 07-C90c and transfer the cancelled scope and remaining funding for these projects to CIP project 07-C90a.
 - 2. Request to change the scope of CIP project 07-C26, Desert Willow Treatment Center Addition of 14 Beds, to reduce the number of beds and to revert \$1,400,000 to accommodate budget reductions.
 - 3. Request to change the scope of CIP project 07-C31, National Guard Complex Site Entry and Guard Building, Carson City, to increase federal funding receipt and expenditure authority by \$502,500 in order to accommodate

138. **Department of Corrections – Lovelock Correctional Center – FY 08** – Addition of \$7,129.00 in Jail Meals; deletion of \$1,620.00 in Budgetary Transfer to Stewart Conservation Camp, \$55,058.00 in Room, Board and Transportation Charges and \$15,373.00 in Reimbursement-Prison Industry Utilities; and transfer of \$59,810.00 from the Inmate Driven category to the Utilities category to provide funding for projected utility costs for the remainder of the fiscal year. Requires Interim Finance approval since the amount includes a budgetary transfer that balances against other work programs. **Work Program #C33780. RECEIVED MARCH 21, 2008. RELATES TO ITEM 146.**
139. **Department of Corrections – Southern Nevada Correctional Center – FY 08** – Deletion of \$40,000.00 in Budgetary Transfer to Warm Springs Correctional Center to help cover a shortfall in utilities. Requires Interim Finance approval since the amount deducted from the Revenue category includes a budgetary transfer that balances against other work programs. **Work Program #C33783. RELATES TO ITEM 142.**
140. **Department of Corrections – Southern Nevada Correctional Center – FY 09** – Deletion of \$2,207,307.00 in Budgetary Transfer to Warm Springs Correctional Center and High Desert State Prison to transfer 27 Correctional Officer positions to Warm Springs Correctional Center to convert it to a medium-custody facility and transfer the Warden, two Associate Wardens and three Administrative Assistants to High Desert State Prison in conjunction with the closing of (SNCC). Requires Interim Finance approval since the amount deducted from the Personnel Services category exceeds \$50,000.00 and includes transferring staff. **Work Program #C33757. RELATES TO ITEMS 132 AND 143.**
141. **Department of Corrections – Southern Nevada Correctional Center – FY 09** – Deletion of \$1,000.00 in Employee Services, \$20,105.00 in Room, Board and Transportation Charges, \$100.00 in Meal Sales, \$548,137.00 in General Fund Salary Adjustment and \$243,450.00 in Transfer from Education and transfer of \$8,199,576.00 from the Personnel Services category to the Reserve for Reversion category, \$78,840.00 from the Operating category to the Inmate Driven category, \$25,766.00 from the Operating category to the Reserve for Reversion category, \$76,285.00 from the Maintenance category to the Reserve for Reversion category, \$73,290.00 from the Maintenance Contracts category to the Reserve for Reversion category, \$90,000.00 from the Real Time Tracking category to the Reserve for Reversion category, \$9,085.00 from the Information Services category to the Reserve for Reversion category, \$78,406.00 from the Agency Issue Uniform category to the Reserve for Reversion category, \$395,013.00 from the Utilities category to the Reserve for Reversion category and \$5,229.00 from the Purchasing Assessment category to the Reserve for Reversion category to close SNCC in compliance with the Governor's 4.5 percent budget reduction plan. One Facility Maintenance position and Associated Operating funds will remain to maintain the facility for future use. Requires Interim Finance approval since the amount

transferred to the Inmate Drivens category exceeds 10 percent of the legislatively-approved level for that category. **Work Program #C33756**

- 142. Department of Corrections – Warm Springs Correctional Center – FY 08 –** Addition of \$51,000.00 in Budgetary Transfer from SNCC and Correctional Programs to help cover increased utility costs for the remainder of the fiscal year. Requires Interim Finance approval since the amount added to the Utilities category exceeds 10 percent of the legislatively-approved level for that category. **Work Program #C33772. RELATES TO ITEMS 127 AND 139.**
- 143. Department of Corrections – Warm Springs Correctional Center – FY 09 –** Addition of \$1,697,384.00 in Budgetary Transfer from Southern Nevada Correctional Center to transfer 27 Correctional Officer positions to Warm Springs Correctional Center to convert it to a medium custody facility in conjunction with the closing of SNCC. Requires Interim Finance approval since the amount added to the Personnel Services category exceeds \$50,000.00 and includes transferring staff. **Work Program #C33758. RELATES TO ITEM 140.**
- 144. Department of Corrections – Florence McClure Women's Correctional Center FY 08 –** Deletion of \$2,213,106.00 in Budgetary Transfer and transfer of \$3,518.00 from the Transfer to Treasurer's Office category to the Operating category, \$76,285.00 from the Transfer to Treasurer's Office category to the Inmate Drivens category and \$45,480.00 from the Transfer to Treasurer's Office category to the Utilities category to provide funding for projected costs for the remainder of the fiscal year. Requires Interim Finance approval since the amount deducted from the Transfer to Treasurer's Office category exceeds \$50,000.00. **Work Program #C33744. RECEIVED MARCH 21, 2008. RELATES TO ITEMS 130, 131, 134, 135, 138, 145, 149, AND 150.**
- 145. Department of Corrections – Casa Grande Transitional Housing – FY 08 –** Addition of \$405,214.00 in Budgetary Transfer from the Florence McClure Women's Correctional Center and deletion of \$948,589.00 in Room, Board and Transportation Charges to provide funding for a projected revenue shortfall. Requires Interim Finance approval since the amount deducted from the Operating category exceeds \$50,000.00. **Work Program #C33773. RECEIVED MARCH 21, 2008. RELATES TO ITEM 144.**
- 146. Department of Corrections – Stewart Conservation Camp – FY 08 –** Addition of \$1,700.00 in Budgetary Transfer from Lovelock Correctional Center to provide funding for projected inmate drivens costs for the remainder of the fiscal year. Requires Interim Finance approval since the amount includes a budgetary transfer that balances against other work programs. **Work Program #C33786. RECEIVED MARCH 21, 2008. RELATES TO ITEMS 137 AND 144.**
- 147. Department of Corrections – Pioche Conservation Camp – FY 08 –** Addition of \$25,739.00 in Budgetary Transfer from Director's Office and Correctional Programs to help cover increased utility costs for the remainder of the fiscal year. Requires